



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

TJR

Docket No: 3629-00

9 November 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 30 May 1973 at the age of 18. Your record reflects that on 20 May 1974 you received nonjudicial punishment (NJP) for a 35 day period of unauthorized absence (UA) and were awarded extra duty for 45 days.

Your record further reflects that on 12 June 1975 you were convicted by special court-martial (SPCM) of a 129 day period of UA and were sentenced to confinement at hard labor for 75 days and a \$500 forfeiture of pay. On 31 October 1975 you were convicted by SPCM of failure to obey a lawful order and assault. You were sentenced to confinement at hard labor for three months and a \$600 forfeiture of pay.

Your record also reflects that on 20 May 1977 you were convicted by civil authorities of failure to appear in court and were fined \$120.50. On 8 December 1977 you received NJP for a three day period of UA. The punishment imposed was reduction to paygrade E-2 and extra duty for 10 days.

On 27 January 1978, at the expiration of your enlistment, you were released under honorable conditions. Subsequently, upon completion of your military obligation, you received a general discharge.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 3.2. An average of 4.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, record of awards, and your good post service conduct. However, the Board concluded these factors and contentions were not sufficient to warrant a change in the characterization of your discharge given the seriousness of your frequent misconduct in both the military and civilian communities, and since your conduct average was insufficiently high to warrant an honorable discharge. Given all the circumstances of your case, the Board concluded your discharge was proper and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director